

REGISTER



South Dakota Legislative Research Council

Volume 39

Monday, 8:00 a.m., July 2, 2012

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Department of Game, Fish and Parks:

(June 29, 2012) intends to adopt EMERGENCY rules at its regular meeting on Monday, July 9, 2012, to amend ARSD 41:06:16:07 to start the August Management Take of Canada geese on the first Saturday of August (August 4, 2012) and amend ARSD 41:06:16:09 to increase the daily bag limit to 15 Canada geese. The general authority for these rules, as cited by the department, is SDCL §§ 41-2-18 and 41-11-5.

NOTICE:

The Department of Social Services intends to make the following changes to the South Dakota Medicaid State Plan concerning reimbursement methodology for non-State owned nursing facilities effective July 4, 2012. The proposed changes amend Attachment 4.19-D of the State Plan, pages 15 and 16 by adding an optional, prior-authorized, nursing facility reimbursement add-on for individuals with multiple chronic complex medical conditions requiring specialized medical equipment and/or increased staff resources in the facilities. The amendment also makes minor modifications to the existing add-ons and definitions of extraordinary care recipients in nursing facilities. The amendment is necessary to allow a reimbursement add-on to nursing facilities for patients who require extraordinary levels of care and resources. The Department anticipates there will be no fiscal impact as the change represents a transition of care from acute care to nursing facility setting. Written requests for a copy of these changes, and corresponding comments, may be sent to

the Division Director, Division of Medical Services, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501-2291.

FILINGS IN THE SECRETARY OF STATE'S OFFICE:

Executive Appointments:

Jolon Beck, Madison, was reappointed on June 22, 2012, to the **Planning Council on Developmental Disabilities**, effective immediately and shall continue until June 30, 2015.

Monica M. Burgess, Rapid City, was appointed on June 22, 2012, to the **Planning Council on Developmental Disabilities**, to replace Sara Carda, effective July 1, 2012, and shall continue until June 30, 2015.

John Day, Yankton, was reappointed on June 22, 2012, to the **State Capitol Complex Restoration and Beautification Commission**, effective immediately and shall continue until June 30, 2016.

Dawn L. Hahn, Humboldt, was reappointed on June 22, 2012, to the **Planning Council on Developmental Disabilities**, effective immediately and shall continue until June 30, 2015.

Janice H. Knutsen, Rapid City, was appointed on June 22, 2012, to the **Planning Council on Developmental Disabilities**, to replace Charlotte Athey, effective July 1, 2012, and shall continue until June 30, 2015.

Crystal G. Reuter, Sioux Falls, was appointed on June 25, 2012, to the **Planning Council on Developmental Disabilities**, to replace Urania Rogue-Vanyo, effective immediately and shall continue until June 30, 2014.

Peggy R. Waltner, Freeman, was appointed on June 25, 2012, to the **Planning Council on Developmental Disabilities**, to replace Deona Gustaf, effective July 1, 2012, and shall continue until June 30, 2015.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

7-3-2012	Bureau of Administration	Amend rules to increase the maximum fees chargeable for legal publications required by state law; 38 SDR 219.
7-9-2012	Game, Fish and Parks	Amend a Uses of Parks and Public Lands rule to establish an exemption to the rule which prohibits unleashed dogs in state parks in order to allow the Department to establish "dog training areas" in state parks, state recreation areas, state nature areas and state lakeside use areas; amend Park Licenses and Camping Permits and Rules to incorporate Shep's Canyon on the west shore of Angostura Reservoir in Fall River County into the existing Angostura Recreation Area and require users of the area to pay camping fees and possess a valid park entrance license; amend a Hunting Requirements and Prohibited Methods rule to further define "bait station" and place additional restrictions on the times when bait stations are prohibited for attracting big game for the purpose of hunting; amend East River Deer Hunting Season rules to adjust the number of licenses/tags available and provide that only unfilled "antlerless deer" and "antlerless whitetail deer" tags are valid during the antlerless deer season extension beginning on the Saturday after Christmas; amend Antelope Hunting Season rules to adjust the number of licenses/tags available and open antelope hunting season to residents only; adopt a Black Hills Elk Hunting Season rule to allow the winner of the elk tag issued in conjunction with the annual Elk License Raffle

		to hunt not only in Custer State Park but also in any unit where "any elk" licenses are issued during the Black Hills Elk season; amend National Wildlife Refuge Deer Hunting Season rules to adjust the number and types of licenses/tags available at Sand Lake National Wildlife Refuge, Lacrek National Wildlife Refuge, and Waubay National Wildlife Refuge; amend a Youth Waterfowl Hunting Season rule to adjust the season starting date from the Saturday prior to the last Saturday of September to 12 days after Labor Day; amend an Early Fall Canada Goose Hunting Season rule to increase the daily bag limit and the possession limit (subject to the approval of the U.S. Fish and Wildlife Service); and amend Dog Training rules to eliminate dog training daily bag and possession limit requirements that are currently imposed during the hunting seasons, and differentiate between captive game birds that are taken by hunters and those taken during dog training, field trials, and similar events/contests; 38 SDR 229.
7-10-2012	Agriculture: Animal Industry Board	Amend rules to relax the requirements for a certificate of veterinary inspection to accompany cats and dogs entering the state with their owners for a period of less than 30 days and update current dates of reference material; 39 SDR 223.
7-11-2012	Environment and Natural Resources: Water Management Board	Amend rules to provide definitions of terms "livestock" and "confinement operation" and repeal the definition of "stock watering;" remove the requirement that the Water Management Board have an official seal; modify definition of water uses requiring a water permit or right in part due to statutory changes; repeal definition of what is not a water distribution system; reduce the requirements for registering a domestic well as well as for completing applications for water permits and vested water right claims; remove the reference to a public hearing in the assignment of a number to a permit application; remove references to publication of notices a second time and reduce the number of days needed to issue a water permit; and modify who can provide irrigation water use information to the chief engineer and how

		the information can be reported; 38 SDR 233.
7-16-2012	Education: Board of Education	Amend a rule to require the minimum professional performance standards for evaluating teacher performance to be aligned with the Charlotte Danielson framework for teaching beginning in the 2014-2015 school year; 38 SDR 229.
7-16-2012	Labor and Regulation: Board of Accountancy	Amend rules to update references, update definitions used in continuing professional education criteria, update ethics exam name, and clarification to peer review language; 38 SDR 230.
7-20-2012	Public Safety: Office of Weights and Measures	Adopt rules to permit the sale of 85 Octane gasoline throughout South Dakota but require cautionary labeling, to specify the required retail dispenser labeling requirements, to require documentation for product quantity, grade and rating, and to define the duties of refiners, importers, producers, distributors and retailers consistent with the Code of Federal Regulations Title 16, Parts 306.5 through 306.12, inclusive; 38 SDR 224.
9-7-2012	Tourism: State Historical Society	Amend rules to set standard fees for services provided by the State Historical Society; revise the State Historic Preservation Office's review and handling of property tax moratorium applications; and alter when recipients of Deadwood Fund preservation grants from the State Historic Preservation Office must file the required preservation covenant for the grant; 38 SDR 199.

RULES REVIEW COMMITTEE MEETINGS

The next meeting of the Interim Rules Review Committee will be held Tuesday, July 10, 2012, via the Digital Dakota Network (DDN) in Room 414, Fourth Floor, of the State Capitol. Other DDN sites will be: Huron – DHS, 2361 Dakota Ave. S; Rapid City – SD School of Mines and Technology, 501 E. St. Joseph St., Room CB 109; Sioux Falls – SF University Center, 4801 N. Career Ave., Room FADM 153; and Yankton – DOT, 1306 W. 31st St. The committee chair has set the following tentative meeting schedule for the 2012 interim: August 14, September 18, November 13, and December 18.

Note: An updated version of the Administrative Rules Guide to Form and Style is available on the Legislative Web site at <http://legis.state.sd.us/rules/index.aspx>.

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